

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. B-03/08-114
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families terminating Medicaid payment for petitioner's Medicare Part B. The issue is whether the Department correctly calculated petitioner's eligibility for the Medicare Buy-In program. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is disabled and receives services through the Choices for Care program. The Department was paying petitioner's Medicare Part B premium through the Medicare Buy-In program.

2. Petitioner receives Social Security retirement benefits and a private pension. Petitioner received an annual increase in her Social Security benefits of \$38 per month.

3. The Department recalculated petitioner's eligibility based upon monthly income of \$952 in Social Security and \$128.90 from a private pension totaling

\$1,080.90. The Department applied the \$20 disregard allowed under the regulations, *infra*, leaving countable monthly income of \$1,060.90. The petitioner's countable monthly income exceeds the program income limit of \$1,045.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay an individual's Medicare Part B premium if certain criteria are met. M200.4. In particular, the individual's income cannot exceed 120 percent of the federal poverty level or \$1,045 per month. M200.43, P-2420B(2).

The petitioner's income, even after the \$20 deduction allowed in the above regulation, was in excess of that amount. Thus, the Department was correct in terminating payment for the Medicare Part B premium. The Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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